REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-16 are pending in this application. Claims 1, 2, 4, 5, 9, 10, 12 and 13 have been amended in this response. No new matter has been added.

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. SUPPORT FOR THE AMENDMENTS

Support for this amendment is provided throughout the Specification as originally filed, *e.g.* paragraph [0138], which is reproduced herein:

> [0138] The insertion data group EditPack_V_h including the copy picture and stuffing byte is recorded as a data group independent of the data groups L and N1. Thus, only the insertion data group EditPack_V_h can be separated depending upon the situation. A value corresponding to the VBV delay of the stuffing byte is recorded in the insertion auxiliary recording area EditAUX_V_h. At this time, vbv_delay_n recorded in AUX-V of the data group N1 may be taken over and recorded to EditAUX_V_h.

III. REJECTIONS UNDER 35 U.S.C. §112

Claims 1, 2, 4, and 8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1, 2, and 4 are hereby amended in this response.

Independent claims 1 and 9 recite, *inter alia*: insertion data groups (EditPack_V_h), to-be-edited data group (Pack_V_h), insertion data groups (EditPack_V_n), and new input data group (Pack_V_n).

Accordingly, there are **two insertion data groups** in claims 1 and 9, specifically:

1. Pack_V_h denoting a first insertions data group; and
2. Pack_V_n denoting a second insertion data group, for example.

See Pack_V_h2 in Fig. 14, for example, which can be denoted as Pack_V_n, indicating that 'n' can be a second, third, or fourth insertion data group, and so on and so forth (See Fig. 14 of the instant application and corresponding disclosure in paragraphs [0135]-[0140]).

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the §112 rejections in the Office Action.

IV. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-16 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 7,292,782 to Sugahara et al. ("Sugahara").

Independent claim 1 recites, *inter alia*:

> "An image data processing apparatus …
>
> wherein **the insertion data groups (EditPack_V_h) are independent from the to-be-edited data group (Pack_V_h) so**

that only the insertion data groups (EditPack_V_h) are separated upon splicing ...
wherein the insertion data groups (EditPack_V_n) are independent from the new input data group (Pack_V_n)."
(Emphasis added)

Accordingly, one embodiment of the instant invention relates to an image data processing apparatus wherein the insertion data groups (EditPack_V_h) are independent from the to-be-edited data group (Pack_V_h) so that only the insertion data groups (EditPack_V_h) are separated upon splicing, and the insertion data groups (EditPack_V_n) are independent from the new input data group (Pack_V_n).

As understood by Applicants, Sugahara relates to a MPEG picture data recording apparatus that executes a re-encoding after decoding data of a connection section A of a first MPEG picture data. This re-encoding, as described in Sugahara, is executed based on a control such that a transition of a VBV buffer occupation value starts from a VBV buffer occupation value at a position a and ends with a VBV buffer occupation value at a position d. Up to the position a of the first MPEG picture data, the first MPEG picture data is reproduced. Next, re-encoded MPEG picture data of the connection section A is reproduced. Thereafter, the data is connected to the position d of a second MPEG picture data, and the second MPEG picture data of the position d and after is reproduced.

Applicants respectfully submit that Sugahara fails to teach or suggest the above identified feature of claim 1. Specifically, Sugahara does not disclose or suggest that the insertion data groups (EditPack_V_h) are independent from the to-be-edited data group (Pack_V_h) so that only the insertion data groups (EditPack_V_h) are separated upon splicing,

and the insertion data groups (EditPack_V_n) are independent from the new input data group (Pack_V_n), as recited in instant claim 1.

It is to be noted in Sugahara that if any stuffing byte and copy picture which are useless in a relation with "VBV_delay_2," a read value of "VBV_delay_0" will be smaller, the quality of coded image data be lower, and display will be held uselessly. However, the present claimed invention provides an image data processing apparatus and method, capable of removing unnecessary stuffing byte and copy picture for a second splicing to prevent the image quality from being degraded, and this is accomplished by keeping the insertion data groups (EditPack_V_h) independent from the to-be-edited data group (Pack_V_h) so that only the insertion data groups (EditPack_V_h) are separated upon splicing, and the insertion data groups (EditPack_V_n) are kept independent from the new input data group (Pack_V_n).

For at least the reasons discussed above, claim 1 is patentable over Sugahara. Since claim 9 is similar, or somewhat similar, in scope to claim 1, claim 9 is patentable for similar, or somewhat similar, reasons.

V. DEPENDENT CLAIMS

Since the other claims are each dependent from one of the independent claims discussed above, they are also patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is submitted that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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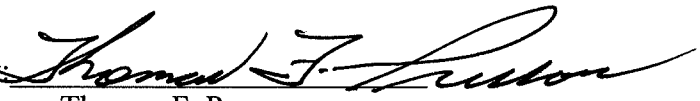
By: 

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